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Please find below and/or attached an Office communication concerning this application or proceeding.

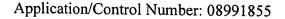Commissioner of Patents and Trademarks

Office Action Summary	Application No. 08/991,855	Applicant(s) Takahiro KII, et al.
	Examiner King Y. Poon	Group Art Unit 2624

☒ Responsive to communication(s) filed on _Nov 20, 2000_

☒ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire _____3___ month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) _1-25_ is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) _1-25_ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

  ☒ received.

  ☐ received in Application No. (Series Code/Serial Number) _____ .

  ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152
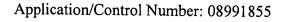
--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-4, 6-22, 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Peter et al. (5893098) and Farley et al.

Regarding claim 1: Peter teaches an electronic news system (fig. 13) processes (manage)

electronic messages (see the question of options that best describes a vehicle of fig. 6) and reply,

(see fig. 6 and see abstract) comprising: storage means (# 102 of fig. 13, fig. 6, bulletin board of

column 3 line 5-15, and column 37 line 59-65) for storing data for a fixed form reply; control

means (2 of fig. 1, abstract) for accepting a selection out of an outputted data for a reply (see

column 8 line 48-55); and transmission means (2 of fig. 1, abstract and note) for automatically

transmitting the data (survey document reply data) back to a collation means. (See column 8 line

53-54)

Peter does not specifically disclose that the message and the reply data are stored
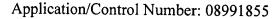
separately.

However, Farley, in the same area of managing an electronic message and a reply to the message, teaches to store a reply data separately from a message. (Question) (column 10 line 48-50)

At the time of invention, it would have been obvious to one of ordinary skill in the art to have modified the electronic system of Peter by storing the reply data separately from the message, as taught by Farley. The suggestion of doing so would have allowed a user to retrieve and display the message and question together quickly, and would have been helpful for the user. (See column 10 line 56-69, Farley)

Note: Even though Peter does not specify that the transmission means is an output means, it would have been obvious to one of ordinary skill in the art to know that a transmission means is equivalent to an output means because transmission means is used for outputting data from one source to another.

Regarding claim 2: Peter teaches to use a collation mean to monitor (manage) a plurality of replies by identifying (specifying) the survey document and its data. (See column 8 line 63-68, column 9 line 1-19) Peter also teaches to add the reply data, manipulate the data, and to perform a graphic plot with the added and manipulated data. (see column 4 line 25-27).

Peter does not specify to use a totaling means. However, it would have been obvious to one of ordinary skill in the art to know that the teaching of adding of the reply data is equivalent to the teaching of using a totaling means in Peter's system because the function of a totaling mean is to add, and Peter would need a totaling means for performing the addition.

Regarding claim 3 and 4: Peter teaches that the control means in claim 1 is used for accepting an input by the respondent user in reply to the survey message. (See column 8 line 48-57) Peter also teaches to manage the reply data associated with the message (fig. 6) by constructing a data base for it. (Column 8 line 48-57)

Regarding claim 6: Peter teaches to use the control means to control a respondent for producing a response document with replies which fits contents of the message, and automatically transmit (causing the output means to output data) the reply back to a collation mean. (See column 8 line 39-55)

Regarding claim 7: Peter et al teaches an electronic news system (fig. 1 and fig. 13) including a client apparatus (#7 of fig.1) and a server apparatus (#1 of fig.1) which process (manage) electronic messages (see the question of options that best describes a vehicle of fig. 6) and reply to the message transmitted from the client apparatus (see abstract) the client apparatus comprising: storage mean (fig. 6, bulletin board of column 3 line 5-15, and column 37 line 59-65) to store data for a fix form reply (see column 8 line 55-57), a control mean (see processing apparatus of column 12 line 10) for accepting a selection out of an outputted data for a reply to the message (see fig. 6, and column 8 line 48-55), a transmission mean for automatically transmitted the data (survey document reply data) back to a collation mean. (Server (7 of fig. 1), see abstract, and column 8 line 53)

Peter does not specifically disclose that the message and the reply data are stored separately.
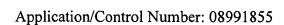
However, Farley, in the same area of managing an electronic message and a reply to the message, teaches to store a reply data separately from a message. (Question) (column 10 line 48-50)

At the time of invention, it would have been obvious to one of ordinary skill in the art to have modified the electronic system of Peter by storing the reply data separately from the message, as taught by Farley. The suggestion of doing so would have allowed a user to retrieve and display the message and question together quickly, and would have been helpful for the user. (See column 10 line 56-69, Farley)

Note: Even though Peter does not call the transmission mean an output mean and a communication control mean, it would have been obvious to one of ordinary skill in the art to know that a transmission mean is equivalent to an output and communication control mean because the transmission mean in Peter's invention is for controlling automatically outputting data (the reply) from the client to the server through a collation mean (See fig.13) and it is performing the same function as the output mean and the communication control mean.

Note :Peter does not teach that the bulletin board used for storing fixed form reply is located in the client. In Peter's reference, the bulletin board (storage) used by the client is located outside the client. The limitations in claim 7 do not define a patentable distinct invention over Peter since both the invention and Peter are directed to providing a storage for storing the fixed form reply for the client. Whether the storage is located within the client or not is

inconsequential for the invention as a whole and presents no new or unexpected results, so long

as the fixed form reply is successfully stored for the client to use.

Regarding claim 8: Peter teaches to accept a reply (response) to the survey message in the

control means (see column 8 line 51-52, and fig. 6), and to manage the reply (see 102 and

collator of fig. 13) associated with the message from the client in the server by loading the data

base with replies, such that the replies associate with the message are all conveniently presented

in the database. (See column 8 line 54-59, and column 4 line 24-27)

Regarding claim 9: Peter teaches an electronic news system (fig. 1, fig. 13) having a

client (8 of fig. 1) and a server apparatus (1 of fig. 1) which manages electronic messages

(response document of column 8 line 53) transmitted from the client, (see abstract, column 8 line

45-59, column 4 line 24-27) the server apparatus having a storage mean (fig. 6, bulletin board of

column 3 line 5-15, and column 37 line 59-65) for storing data for a fixed form reply, and a

transmission mean for transmitting the survey document data to a client. (See column 2 line 62,

fig. 6). The client's apparatus is having: a processing apparatus (column 12 line 10) for receiving

data for a reply sent from the server, (see column 8 line 45-46) and to output the received data for

reply in a screen (see fig. 6) and; a control means (column 8 line 50) for accepting the selection

(fig.6) out of the outputted data for a reply (see column 8 line 48-55) as a reply in the document,

and automatically transmitting the selected reply (document) back to a collation mean. (See
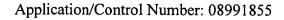
column 8 line 50-55)

Peter does not specifically disclose that the message and the reply data are stored

separately.

However, Farley, in the same area of managing an electronic message and a reply to the

message, teaches to store a reply data separately from a message. (Question) (column 10 line 48-

50)

At the time of invention, it would have been obvious to one of ordinary skill in the art to

have modified the electronic system of Peter by storing the reply data separately from the

message, as taught by Farley. The suggestion of doing so would have allowed a user to retrieve

and display the message and question together quickly, and would have been helpful for the user.

(See column 10 line 56-69, Farley)

Note: Even though Peter does not call the transmission mean a communication control

mean, it would have been obvious to one of ordinary skill in the art to know that a transmission

mean is equivalent to a communication control mean because transmission means is used to

outputting data from one source to another and is doing the same function as the communication
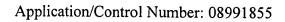
control mean in the claim.

Regarding claim 10: Peter teaches to use a control means (column 8 line 50) to manage

and specify the replies (response) (see column 8 line 50-68), from the client side, and to transmit

the specifying data of the selected reply to the server. (See column 8 line 50-67). Peter also

teaches to receive the reply in the server side (see column 3 line 35-40) and to total a number of

the selections of each reply as the reply in the response based on the specifying data, (see

discussion of claim 2, and fig. 6) and store the results of the totaling mean in a database (column

4 line 24-27).

Regarding claims 11 and 12: Peter teaches to accept a reply (response) to the response

document, in a control means (see column 8 line 51-52, and fig. 6) within the client, and to

manage the reply (see 102 and collator of fig. 13) in relation to data for specifying the reply

message (column 8 line 60-68) transmitted from the client, in the server by loading the data base

with replies, such that the replies are all conveniently presented in the database. (See column 8

line 54-59, and column 4 line 24-27)

Regarding claim 13: Peter teaches an electronic news system (fig. 1 and fig. 13) including

a client apparatus (7 of fig. 1) and a server apparatus (1 of fig.1) which manages an electronic

message (see the question of options that best describes a vehicle of fig. 6) and reply to the

message transmitted from the client apparatus, (see abstract) the server apparatus comprising:

storage means (fig. 6, bulletin board of column 3 line 5-15, and column 37 line 59-65) for

storing data for a first fixed form reply; and a transmission means (6 of abstract) for transmitting

the data for the first fixed form reply to the client apparatus, (see abstract) the client apparatus

comprising: receiving control means (see processing apparatus of column 12 line 10) for

receiving the first data for the first fixed form reply sent from the server apparatus; (column 8

line 45-46) storage means (fig. 8, bulletin board of column 3 line 5-15, and column 37 line 59-65

) for storing data for second fixed form reply; output means (see the display of 7 fig. 1 and fig. 6,

fig. 8) for outputting data for the first or second fixed form reply; control means (column 8 line

50, fig. 6) for accepting a selection out of the outputted data for the first fixed form reply based on the category of the message (see the question of options that best describes a vehicle of fig. 6) as the reply to the message; and means (see transmit back of column 8 line 53) for controlling the transmission for transmitting the selected reply out of the data for the first or second fixed form reply to the server apparatus (column 8 line 45-63).

Peter does not specifically disclose that the message and the reply data are stored separately.

However, Farley, in the same area of managing an electronic message and a reply to the message, teaches to store a reply data separately from a message. (Question) (column 10 line 48-50)

At the time of invention, it would have been obvious to one of ordinary skill in the art to have modified the electronic system of Peter by storing the reply data separately from the message, as taught by Farley. The suggestion of doing so would have allowed a user to retrieve and display the message and question together quickly, and would have been helpful for the user. (See column 10 line 56-69, Farley)

Even though Peter does not call the transmission mean a communication control mean, it would have been obvious to one of ordinary skill in the art to know that a transmission mean is equivalent to a communication control mean because transmission means is used to outputting data from one source to another and is doing the same function as the communication control mean in the claim.

Note: Peter does not teach that the bulletin board used for storing fixed form reply is located in both the server and the client. In Peter's reference, the bulletin board (storage) stores the fixed form reply to be used by both the client and the server. The limitations in claim 13 do not define a patentable distinct invention over Peter since both the invention and Peter are directed to providing a storage for storing the fixed form reply for both the client and the server. Whether the storage is located within the client or not, and whether the storage is located within the server or not are inconsequential for the invention as a whole and presents no new or unexpected results, so long as the fixed form reply is successfully stored and to be used by both the client and the server.
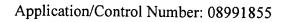
Regarding claim 14: Peter teaches that the server apparatus comprises: fixed form reply managing means (2 of column 12 line 5-6) for managing a plurality of first fixed form replies (fig. 6, and fig. 8) with data for respectively specifying (see the specifying reply data of fig. 6, fig. 8) the replies, and means (column 3 line 5-17) for transmitting the specifying data of the first fixed form reply to the client apparatus along with the reply. The client apparatus comprises: fixed form reply managing means (see respondent control means of column 8 line 49-50) for managing a plurality of second fixed form replies (fig. 8) with the data for respectively specifying said replies, (column 8 line 45-68) and means (2 of column 12 line 5-6, abstract) for causing the transmission controlling means to transmit the selected second reply or the selected specifying data of the first reply to the server apparatus as a reply. (see column 8 line 50-55) The server apparatus further comprises: means (column 3 line 5-17) for transmitting specifying data of the

second fixed form reply to the client apparatus; means (collator of fig. 13, abstract) for receiving

the second reply or specifying data of the first reply transmitted from the client apparatus as a

reply in the communication control means; and totaling means (see discussion on claim 2) for

totaling a number of the selections of each reply as the reply to the message based on the

specifying data, and storing the results of the totalization of each reply to the message in relation

the specifying data. The client apparatus further comprises: means for receiving (see processing

apparatus of column 12 line 10) the specifying data of the second fixed form reply sent from the

server apparatus in the receiving control means, (abstract) and means (see display of 7 of fig. 1,

and processing apparatus of column 12 line 10) for outputting the stored second fixed form reply

based on the specifying data in the output means.

Regarding claims 15 and 16: Peter teaches to accept a reply (response) to the response

document, in a control means (see column 8 line 51-52, and fig. 6) within the client, and to

manage the reply (see 102 and collator of fig. 13) in relation to data for specifying the reply

message (column 8 line 60-68) transmitted from the client, in the server by loading the data base

with replies, such that the replies are all conveniently presented in the database. (See column 8

line 54-59, and column 4 line 24-27)

Regarding claim 17: Peter teaches a recording medium (column 10 line 11) readable by a

computer which manages an electronic message (see the question of options that best describes a

vehicle of fig. 6) and a reply to the message, (abstract) comprising: instruction (see instruction of

column 10 line 11) for causing the computer to store data for a fixed form reply in the computer

(see column 38 line 3-5); instruction (see instruction of column 10 line 11) for causing the computer to output the data for a reply; (abstract) and instruction (see instruction of column 10 line 11) for causing the computer to accept a selection out of the outputted data for a reply as the reply to the message. (Abstract)

Peter does not specifically disclose that the message and the reply data are stored separately.

However, Farley, in the same area of managing an electronic message and a reply to the message, teaches to store a reply data separately from a message. (Question) (column 10 line 48-50)

At the time of invention, it would have been obvious to one of ordinary skill in the art to have modified the electronic system of Peter by storing the reply data separately from the message, as taught by Farley. The suggestion of doing so would have allowed a user to retrieve and display the message and question together quickly, and would have been helpful for the user. (See column 10 line 56-69, Farley)

Note: Even though Peter does not specify that the instruction is the program code means, it would have been obvious to one of ordinary skill in the art to know that an instruction is equivalent to the program code means because the instruction is programing code used to instruct a computer how to perform.

Regarding claim 18: Peter teaches that the recording medium further comprising: instruction for causing the computer to manage a plurality of fixed form replies with data for

respectively specifying replies; (see the data on top of the screen of fig. 6, and fig. 8) and instruction for causing the computer to total a number of the selections of each reply as the reply to the message and store the results of totaling the totalization of each reply to messages in relation to specifying data. (See discussion of claim 2)

Regarding claim 19: Peter teaches that the recording medium further comprising: instruction for causing the computer to accept an input of a free form reply to the message; (see receives transmission of reponses of abstract) and instruction for causing the computer to manage the inputted free form reply in relation to data for specifying the message. (See column 4 line 24-27)

Regarding claim 20: Peter teaches that the recording medium further comprising: instruction for causing the computer to accept an input of a free form reply to the message; (see receives transmission of responses of abstract) and instruction for causing the computer to manage the inputted free form reply in relation to data for specifying the message. (See column 4 line 24-27)

Regarding claims 21: Peter et al teaches a message system to process (manage) electronic message and reply (see abstract) having a storage mean to store a plurality of fixed form replies set (see bulletin board and column 3 line 1-13); a controller (the computer used as a bulletin board e.g. # 1 of fig. 1) for receiving a message (see location of column 3 line 13) from a host, selecting a fixed form reply set (fig. 6, fig. 8) for a user using the location of the user, and allowing a user to select a reply from the selected fix form reply set (see reply of # 4, 6, 8, 12 of

fig. 6); and a transmission mean for automatically transmitted the selected reply (survey

document reply data) back to a collation mean in the host. (See column 8 line 53, abstract)

Peter does not specifically disclose that the message and the reply data are stored

separately.

However, Farley, in the same area of managing an electronic message and a reply to the

message, teaches to store a reply data separately from a message. (Question) (column 10 line 48-

50)

At the time of invention, it would have been obvious to one of ordinary skill in the art to

have modified the electronic system of Peter by storing the reply data separately from the

message, as taught by Farley. The suggestion of doing so would have allowed a user to retrieve

and display the message and question together quickly, and would have been helpful for the user.

(See column 10 line 56-69, Farley)

Note: A bullet board is a computer system (storage) equipped with one or more modems

or other means of network access that serve as information and message-passing center for

remote users. Users dial into a Bulletin board with their modems and post message to other

bulletin board users in special areas to a particular topic, in a manner reminiscent of the posting

of notes on a cork bulletin board.

Even though Peter does not call the transmission mean an output device, it would have

been obvious to one of ordinary skill in the art to know that a transmission mean is equivalent to

an output means because both a transmission means and output means are used for outputting data from one source to another.
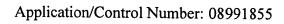
Regarding claim 22: Peter teaches that the selection of a fixed form reply set is based on a common address (category) for the locations of a group of users. (See column 3 line 10-15)

Regarding claim 24: Peter teaches to use a collation mean to monitor (manage) a plurality of replies by identifying (specifying) the survey document and its data. (See column 8 line 63-68, column 9 line 1-19) Peter also teaches to add the reply data, manipulate the data, and to perform a graphic plot (frequency of responses) with the added and manipulated data. (see column 4 line 25-27).

Regarding claim 25: Peter teaches a computer readable storage medium storing a computer program (column 10 line 1-35) instructing computers to perform: storing a plurality of fixed form reply sets, (see bulletin board, column 3 line 1-13) each fixed form reply set containing a plurality of replies; (see reply of 4, 6, 8, 12 of fig. 6) receiving a message (see location of the user) from a host; selecting a fixed form reply set; (fig. 6, fig. 8) allowing a user to choose a reply from the selected fixed form reply set; (see abstract) sending the chosen reply to the host; and computing the frequency of chosen replies sent to the host. (See graphical plots of column 4 line 24-27)

Peter does not show that the above functions are performed by a single computer.

Peter does not specifically disclose that the message and the reply data are stored separately.

However, Peter teaches to perform the above functions by using a bulletin board, (computer) a user computer, and a collator, (Computer) and Peter also teaches that a computer would be used to perform many different functions. (See column 10 line 10-21)

Farley, in the same area of managing an electronic message and a reply to the message, teaches to store a reply data separately from a message. (Question) (column 10 line 48-50)

At the time of invention, it would have been obvious to one of ordinary skill in the art to have modified the electronic system of Peter by storing the reply data separately from the message, as taught by Farley. The suggestion of doing so would have allowed a user to retrieve and display the message and question together quickly, and would have been helpful for the user. (See column 10 line 56-69, Farley)

Moreover, at the time of invention, it would have been obvious to one of ordinary skill in the art to modify the way that Peter performs the above functions by using a single computer. The suggestion of doing so can be reasoned by one of ordinary skill in the art because by using a single computer to perform the job of three computers would reduce the price of the system and thereby, provide a user with economical gain.

3.   Claims 5, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peters and Farley et al. as applied to claims 1, and 21 above and further in view of Ginter et al.

Regarding claims 5, 23: Peter teaches to select a text and still picture as free form reply. (Fig. 6)

Peter does not teach to select speech, sound, and moving pictures as free form reply.

Ginter teaches that usage information used in a survey (see column 36 line 30-40) transmitted from one party to another can be selected from speech, sound, and moving pictures. (See column 58, line 55-65) Peter and Ginter are combinable because they are from the same area of transmitting survey information in electronic form.

Therefore, at the time of invention, it would have been obvious to one of ordinary skill in the art to modify Peter's survey information (free from reply) by selecting the information to be represented in forms of speech, sound, and moving pictures, as taught by Ginter. The suggestion of doing so can be reasoned by one of ordinary skill in the art because selecting electronic information to be represented in forms of speech, sound, and moving pictures would have allowed the information being easily understood by a user and would be helpful for the user in making the reply.

4.   REMARKS

With respect to applicant's argument on page 8-9 that Peter does not teach to store the reply separately from the message, has been considered.

In reply: Peter does not specifically disclose that the message and the reply data are stored separately.

However, Farley, in the same area of managing an electronic message and a reply to the message, teaches to store a reply data separately from a message. (Question) (column 10 line 48-50)

At the time of invention, it would have been obvious to one of ordinary skill in the art to have modified the electronic system of Peter by storing the reply data separately from the message, as taught by Farley. The suggestion of doing so would have allowed a user to retrieve and display the message and question together quickly, and would have been helpful for the user. (See column 10 line 56-69, Farley)

Action is Final, Necessitated by Amendment

5.   Applicant's amendment necessitated the new ground of rejection presented in this office action. Therefore, THIS ACTION IS MADE FINAL. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTHS shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the examiner

should be directed to King Y. Poon whose telephone number is (703) 305-0892 or to Supervisor

Mr. David Moore whose phone number is (703) 308-7452.

February 2, 2001

DAVID MOORE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600